

ENTERED

October 22, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

RICHARD GARIBAY,

Petitioner,

VS.

BOBBY LUMPKIN,

Respondent.

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CIVIL ACTION NO. 2:21-CV-115

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

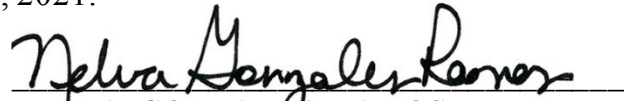
On September 22, 2021, United States Magistrate Judge Jason B. Libby issued his “Memorandum and Recommendation” (M&R, D.E. 15), recommending that this petition for writ of habeas corpus be dismissed as time-barred and unexhausted. The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge’s M&R. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been timely filed.

When no timely objection to a magistrate judge’s M&R is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s M&R. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s M&R (D.E. 15), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the

Magistrate Judge. Accordingly, Respondent's Motion for Summary Judgment (D.E. 14) is **GRANTED** and this action is **DISMISSED** as time-barred and unexhausted. In the event that Petitioner requests a Certificate of Appealability, that request is **DENIED**.

ORDERED this 22nd day of October, 2021.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE